

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

December 19, 2007

The regular meeting of the New Hampshire Board of Pharmacy was held on **December 19, 2007** at the *Manchester Country Club* in Bedford, New Hampshire. The meeting was **called to order at 8:05 a.m.** with President George Bowersox presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

George L. Bowersox , President
Ronald L. Petrin, Vice-President
Margaret E. Hayes, Treasurer
Sandra B. Keans, Secretary
Kristina Genovese, Member
Vahrij Manoukian, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator
Margaret A. Clifford,
Compliance Investigator
Carl T. Kelly,
Compliance Investigator

II. REVIEW / ADOPTION OF MINUTES

Minutes of the **November 21, 2007** regular meeting of the Board were **accepted as submitted. (Manoukian/Hayes) Voted (unanimous).**

III. LICENSING

A. Pharmacists

Voluntary Surrender

REILLY, John F.

Dover, NH

- NH License No. 1979
- Case File: ROI 69/07

Motion (Manoukian/Hayes) to accept the *Voluntary Surrender* of NH pharmacist license No. 1979 issued to John F. Reilly. Voted (passed – Commissioner Petrin recused).

B. Pharmacy Technicians

Voluntary Surrender

SMITH, Michael C.

Nottingham, NH

- NH Registration No. PT3616
- Case File: ROI 92/07

Motion (Hayes/Keans) to accept the *Voluntary Surrender* of NH pharmacy technician registration No. PT3616 issued to Michael C. Smith. Voted (unanimous).

C. Pharmacies

1. New

WALGREENS #10462

571 Nashua Street
Milford, NH 03055

Pharmacist-In-Charge: **Stuart Bentall, R.Ph.**

NH Pharmacist License No. 2894

Owner/Corporate Officer/Supervisor: **Leo Lariviere, R.Ph.**

Pharmacy District Manager

Application complete.

Motion (Keans/Manoukian) granting a temporary permit to Walgreens # 10462 located at 571 Nashua Street, Milford, NH based upon the successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).

2. Change of Ownership

NASHUA MEDICAL GROUP PHARMACY

173 Daniel Webster Highway
Nashua, NH 03060

Pharmacist-In-Charge: **Dennis J. Gerber, R.Ph.**

NH Pharmacist License No. 1917

Owner/Corporate Officer/Supervisor: **Peter B. Davis**

President, SJ Physician Services, Inc.

Application complete.

Motion (Keans/Genovese) to approve the change of ownership of Nashua Medical Group Pharmacy, located at 173 Daniel Webster Highway, Nashua, NH and to grant licensure effective on date of ownership transfer. Voted (unanimous).

3. Change of Location

RITE AID #4138

91 Main Street
Colebrook, NH 03576

Pharmacist-In-Charge: **Jennifer K. Santamaria, R.Ph.**

NH Pharmacist License No. 3159

Owner/Corporate Officer/Supervisor: **Kristina Genovese, R.Ph.**

Pharmacy District Manager

Application complete.

Motion (Keans/Petrin) to approve the relocation of Rite Aid #4138 from 16 Metallak Place, Colebrook, NH to 91 Main Street, Colebrook, NH and to grant licensure effective upon the successful completion of a site inspection by the Compliance Unit. Voted (passed – Commissioner Genovese recused).

4. Settlement Agreement

THE MEDICINE SHOPPE

7111 Reseda Boulevard
Reseda, CA 91335

Motion (Manoukian/Hayes) to accept the *Settlement Agreement* negotiated with Mimy Tura, R.Ph., Pharmacist-in-Charge at and on behalf of *The Medicine Shoppe* located in Reseda, CA which provides, in part, an assessed administrative fine of \$5,000 (of which \$3,000 is conditionally suspended for a period of 5-years) and the Respondent's signed agreement to not apply for an out-of-state, mail-order pharmacy registration in New Hampshire for a period of ten years. Voted (unanimous).

IV. CONTINUING EDUCATION

Request for Waiver

1. **PIERONI, Michael E.**

Revere, MA

- NH Pharmacist License No. 2758

Request for waiver of didactic continuing education programming according to the provisions of Ph 403.08 of the NH Code of Administrative Rules.

Motion (Petrin/Keans) to grant the waiver of didactic (live) pharmacy continuing education for Mr. Pieroni's 2008 NH pharmacist license provided that he shall earn at least 15-hours of home-study, pharmacy related continuing education. Voted (unanimous).

2. **NOLIN, Debra M..**

Milton Mills, NH

- NH Pharmacist License No. R1589

Request for waiver of didactic continuing education programming according to the provisions of Ph 403.08 of the NH Code of Administrative Rules.

Motion (Petrin/Keans) to grant the waiver of didactic (live) pharmacy continuing education for Ms. Nolin's 2008 NH pharmacist license provided that she shall earn at least 15-hours of home-study, pharmacy related continuing education. Voted (unanimous).

Note: The Board reminded both Mr. Pieroni and Ms. Nolin that this waiver is for 2008 licensure only and that future requests, if needed, must be submitted each year. The Board also notes that with the availability of "Webinars" on the Internet (most of which are ACPE approved for live/didactic programming), that live CE can be done at home therefore precluding requests for waivers of live/didactic CE requirements for those pharmacists who may be restricted or confined to their residence.

V. COMPLIANCE UNIT

Activity Report

- November 2007

Motion (Manoukian/Hayes) to accept the report as submitted. Voted (unanimous).

VI. NEW BUSINESS

A. Weekly Pill Planners

LAPERLE'S PHARMACY

Colebrook, NH

The Board reviewed a request from Douglas Ellis, R.Ph., Pharmacist-In-Charge to waive the provisions of Ph 704.08(a)(b) to allow the pharmacy to establish a weekly "pill planner" program for residents of an assisted living facility. A proposed protocol was provided for the Board's consideration.

Following deliberations, the Board concluded that a waiver of administrative rules was not necessary in this case since the patient (or an authorized agent of the patient) would be picking up the patient's weekly pill planner at the pharmacy once it had been processed (filled) and taken directly to the patient's home.

However, since the Board recently approved a "pill planner" program proposed by several other NH pharmacies, LaPerle's Pharmacy is advised to modify/customize its program to mimic existing provisions. The Board is of the opinion that in order to maintain basic standards for the processing of pill planners, that pharmacies proposing such programs should follow an established and approved *blueprint*.

B. Personnel – Compensatory Time

Waiver of State Personnel Rules – *Per 903*

Motion (Hayes/Genovese) to grant a waiver of *Per 903.01; 903.03(c)(g); 903.04(c)(d)* allowing the Board to approve 14 hours of additional compensatory time to Peter A. Grasso, Chief Compliance Investigator, which is over the maximum of 37½ hours allowed under *Per 903.03(c)(g)* for the pay period ending 12/20/2007. Voted (unanimous).

C. Rulemaking – Initial Proposal 10/17/07 – Notice Number 2007-189

Motion (Manoukian/Keans) to amend the Initial Proposal, Rulemaking Notice Number 2007-189 at Ph 601.10(h)(1) to read as 72 hours instead of 48 hours. Voted (unanimous).

Motion (Genovese/Hayes) to approve the Initial Proposal, Rulemaking Notice Number 2007-189 as amended. Voted (unanimous).

The meeting was recessed at 9:35 A.M.

A non-public session was called (Manoukian/Hayes) at 9:45 A.M. with Commissioners Bowersox, Genovese, Hayes, Keans, Manoukian and Petrin present.

Discussions and/or decisions occurring during this non-public (confidential) session were according to RSA 91-A:3, I & II and involved information pursuant to ongoing investigations as reported by the Board's Compliance Investigator(s) and/or the Office of the Attorney General, the disclosure of which would likely adversely affect a person's reputation and/or would render the Board's proposed action ineffective.

The non-public session was adjourned at 10:10 A.M.

The regular meeting was reconvened at 10:10 A.M.

VI. ADJOURNED 10:20 A.M.

Respectfully Submitted,

Sandra B. Keans
Secretary
FOR THE BOARD